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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,489

03/15/2004

Chi-Yin Wong

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EXAMINER

WU, JIANYE

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

07/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/801,489	Applicant(s) WONG, CHI-YIN	
	Examiner Jianye Wu	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br/>Paper No(s)/Mail Date ____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|---|--|

## DETAILED ACTION

### *Drawings Objections*

1. The drawings are objected to **FIG. 1-3** because of minor informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. Regarding **FIG. 1-3**, they are objected because informal handwriting symbols are included in the Figure.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-15** are rejected under 35 U.S.C. 102(b) as being anticipated by ATM Forum, AF-VMOA-0145.000, "Voice and Multimedia Over ATM – Loop Emulation Service Using AAL2", July, 2000, (hereinaft VMOA).

For **claim 1**, VMOA discloses a system for managing circuit emulation service over an ATM network (Figure 1 of Page 10), comprising:

control logic configured to receive channelized circuit data (User traffic, Figure 2 of Page 12), the channelized circuit data being transmitted at an arbitrary rate (lines 1-7 of Section 1.1, Page 6);

control logic configured to format the channelized circuit data into one or more ATM cells, each ATM cell having a payload, the payload having a plurality of octets and corresponding validity fields (vpi and vci fields in ATM header), each validity field indicating whether the associated octet contains valid data (vpi and vci are interpreted as validity fields in such a way that they are associated with every octet in the payload; and if they have the valid values for data transfer, such as 0s, all octets in payload are invalid, otherwise, all payload octets are valid) ; and

control logic configured to transmit the one or more ATM cells across the ATM network (Figure 1 of Page 10);

wherein the transmission of the one or more ATM cells effectively results in transmission of the channelized circuit data at the arbitrary rate over the ATM network (Figure 1 of Page 10); and

wherein the arbitrary rate is not a multiple of a fundamental rate (lines 1-7 of Section 1.1, Page 6; e.g., rate for compressed voice).

As to **claim 2**, VMOA discloses the system of claim 1 wherein the arbitrary rate is less than the fundamental rate (lines 1-7 of Section 1.1, Page 6; e.g., rate for compressed voice).

As to **claim 3**, VMOA discloses the system of claim 1 wherein the arbitrary rate is higher than the fundamental rate (multiple User traffic, Figure 2 of Page 12).

As to **claim 4**, VMOA discloses the Traffic aggregation equipment incorporating the system as recited in claim 1 (Figure 2 of Page 12).

For **claim 5**, it is the corresponding system claim of claim 1, therefore, is rejected for the same reason explained in claim 1 above.

As for **claim 6**, it is the same as to claim 5, therefore, is rejected for the same reason explained in claim 5 above.

As for **claim 7**, it is equivalent to system claim of claim 2, therefore, is rejected for the same reason explained in claim 2 above.

As for **claim 8**, it is equivalent to system claim of claim 3, therefore, is rejected for the same reason explained in claim 3 above.

For **claims 9-11**, they are the corresponding method claim of claims 1-3, therefore, are rejected for the same reasons explained in claims 1-3 above.

For **claims 12-15**, they are the corresponding method claim of claims 5-8, therefore, are rejected for the same reasons explained in claims 5-8 above.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianye Wu whose telephone number is (571)270-1665. The examiner can normally be reached on Monday to Thursday, 8am to 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571)272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianye Wu

6/22/07

JY

Seema S. Rao  
SEEMA S. RAO 6/25/07  
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